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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,333	07/10/2001	Philip James Campaigne	5/00	8457
44769	7590	03/23/2005	EXAMINER	
PHILIP JAMES CAMPAIGNE 101 SLOUGH ROAD HARVARD, MA 01451			NGUYEN, BINH AN DUC	
			ART UNIT	PAPER NUMBER
			3713	
DATE MAILED: 03/23/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/902,333		CAMPAIGNE, PHILIP JAMES	
	<b>Examiner</b>		<b>Art Unit</b>	
	Binh-An D. Nguyen		3713	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 26-37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 26-37 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. The Amendment filed October 22, 2004 has been received. According to the Amendment. Claims 1-25 have been canceled and new claims 26-37 have been added. Currently, claims 26-37 are pending in the application.

3. Claims 26-37 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, the limitations claimed in claims 26-37 are mere abstract ideas. The recited steps and means of merely guiding reporter how to gather information, creating common perspective among the reporter, and aggregating the reports does not apply, involve, use, or advance the technological arts since all of the

recited steps can be performed in the mind of the player. These steps only constitute an idea of how to share task among reporters.

Additionally, for a claimed invention to be statutory, the claimed invention must produce a useful, concrete, and tangible result. In the present case, the claimed process and system of claims 26-37 for collecting or gathering information and aggregating the reports are intangible to any gaming or computing network platform.

Claims 26-37, therefore, are not within the technological arts, as explained above, and deemed to be directed to non-statutory subject matter.

Note that, the Applicant is suggested to amend the claims by including concrete structure such as computer network linking computer terminals to perform the reports.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 26-37, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Qian et al. (6,616,529) in view of Sparks, II (6,352,479).

Qian et al. teaches a system and method for reporting information of team member activities in a competitive environment comprising: reporting gathered sports team player's performance (player's reports ) including activities such as team-members' contributions that are causal to team achievement (entering semantic events

by humans) (2:46-3:54; 4:23-32); storing and retrieving the reports from a database (105) (Fig. 1). Qian et al. does not explicitly teach the limitations of team play by a plurality of the players (reporters) (claims 26, 29, 32, and 35); and game signing up (claims 26 and 32). Sparks, II, however, teaches a system and method for conducting an online community forum for playing game having a plurality of participants playing team game on a network (1:37-49; 3:56-4:42); and game players signing up to paying the game (2:13-31; 4:15-6:61).

Regarding the limitations of recording (or means therefore) redundant aspect reports (claims 26 and 32); deterring hostile attempts to report false data (claims 27 and 33); reporting is accomplished by players participating in the contest being reported (claims 30 and 36); means for contest players to access contest analyses during the on-going contest (claims 29 and 35); and means for reporters to collaborate (claims 30 and 36), these limitations are notoriously well known, e.g., recording all collected data prior to editing (recording redundant data); security firewall; interview players (contestants) during game break (reporting is accomplished by players participating in the contest being reported); player (contestant) observing game replays (means for contest players to access contest analyses during the on-going contest); two or more reporters reporting a game event (reporters to collaborate).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to provide the team-play of Sparks, II to Qian et al.'s system and method for reporting information of team member activities in a competitive environment to provide a real-time reporting of team-member contribution to team

achievement thus makes the game more interesting and bring more excitement to the game spectators.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh-An D. Nguyen whose telephone number is 571-272-4440. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on 571-272-7147. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3713

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**SUPERVISORY PATENT EXAMINER**  
*AU3713*